Article - Estates and Trusts

§6–306.

(a)   A personal representative shall be removed from office on a finding by the court that the personal representative:

(1)   Misrepresented material facts in the proceedings leading to the personal representative's appointment;

(2)   Willfully disregarded an order of the court;

(3)   Is unable or incapable, with or without the personal representative's own fault, to discharge the personal representative's duties and powers effectively;

(4)   Has mismanaged property;

(5)   Has failed to maintain on file with the register a currently effective designation of an appropriate local agent for service of process as described in § 5–105(c)(6) of this article; or

(6)   Has failed, without reasonable excuse, to perform a material duty pertaining to the office.

(b)   Even if there exists cause for removal for failure to perform a material duty pertaining to the office, the court may continue the personal representative in office if it finds that continuance would be in the best interests of the estate and would not adversely affect the rights of interested persons or creditors.

(c)   (1)   A hearing shall be conducted by the court before the removal of a personal representative.

(2)   The hearing may be held:

(i)   On the motion of the court;

(ii)   On the motion of the register; or

(iii)   On the written petition of an interested person.

(3)   Notice of hearing shall be given by the register to all interested persons.

(4)   After notice has been given to the personal representative, the personal representative may exercise only the powers of a special administrator as permitted by § 6–403 of this title.

(d)   Concurrently with the removal of a personal representative, the court shall appoint a successor personal representative or a special administrator.

(e)   A personal representative who is removed from office shall account for and immediately deliver the property belonging to the estate to the personal representative's successor or special administrator.